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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Maurice ZAUDERER

Appl. No. 10/034,350

Filed: January 3, 2002

For: **Methods of Selecting  
Polynucleotides Encoding  
Antigens**

Confirmation No. 7983

Art Unit: 1644

Examiner: DeCloux, A.

Atty. Docket: 1821.0010002/EKS/HCC

**Reply To Requirement For Election Of Species**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Office Action dated February 25, 2003, Applicant hereby provisionally elects (A) a viral source of heterologous nucleic acids, (B) host cells that express MHC Class I, (C) a vaccinia vector, (D) a transfer plasmid comprising p7.5/ATG1/tk, and (E) a fowlpox virus as helper virus, as defined by the Examiner. Claims 42, 86, 53, 84, and 74, respectively, read on such species. Claim 39 is generic. This election is made without prejudice to or disclaimer of the other subject matter disclosed.

Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). This election is made **without traverse**. Consideration and allowance of all pending claims, are respectfully requested.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application,

then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Helene C. Carlson  
Agent for Applicant  
Registration No. 47,473

Date: April 25, 2003  
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